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Applicants: Moon et al.

Art Unit: 2624

Serial Number: 10/081,417

Examiner: Mackowey, Anthony M.

Filing Date: 2/22/2002

Docket No.: CHA920010020US1
(IBM-0034)Title: MICR-BASED OPTICAL CHARACTER
RECOGNITION SYSTEM AND METHOD

Confirmation No.: 1023

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Applicants respectfully request a panel of experienced examiners perform a detailed review of appealable issues for the above-identified patent application pursuant to the Pre-Appeal Brief Conference Pilot Program. Notice of Appeal has been filed together with this Request. Please charge Deposit Account No. 09 - 0469 for any fees required for filing this Request.

Applicants submit that the above-identified application is not in condition for appeal because the rejection is obviously defective due to errors in facts and in law. Claims 1-3, 5-10, 12-16 and 18-22 are pending. In the Final Office Action of 7/31/06 (OA), claims 1-3, 5-10, 12-16 and 18-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement and the enablement requirement; and the specification is objected to as the amendment to the specification filed on 5/8/06 introduces new matter. Applicants submit that the above identified rejections and objection are clearly not proper and without basis for the reasons stated below.

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Regarding the amendment to the specification, i.e., from “a set of MICR format character data 24 that has the equivalent specifications of data obtained by a multigap MICR read head” to “a set of MICR format character data 24 that has the equivalent specifications of data obtained by, e.g., a 3890 system of IBM corporation that uses a multigap MICR read head”, the Office basically argues that “the data obtained by the system in its entirety is not equivalent to data obtained only by the magnetic read head.” (OA at 3). Applicants submit that in making the above assertion, the Office unfoundedly narrows the scope of the data obtained by, and the scope of the meaning of, a magnetic read head, as used in the current invention. Data obtained by a magnetic read head, as used in the current invention, is inherently in a digital form, which is well known in the art. For example, the disclosure of the current application clearly indicates that the data obtained by a magnetic read head is capable of being read by a MICR-based algorithm to identify E13B characters. (See page 2, lines 1-2, “[o]nce the characters are magnetically read, well established MICR-based algorithm are implemented to identify each E13B character.”) As is well known in the art, a MICR-based algorithm can only recognize digitalized data. Moreover, the original disclosure provides a pel density equivalent to data captured by an actual multigap MICR read head as “approximately 0.33 millimeters/pixel in the horizontal dimension and 0.43 millimeter/pixel in the vertical dimension.” (The specification of the invention at page 5, line 21 to page 6, line 1). Those pel density characteristics are clearly for digital data, instead of electronic signals/waveforms. As such, the original disclosure of the application, considered as a whole, already makes it clear that a multigap read head inherently includes a system to convert electrical signals to digital data to be recognized by a MICR-based algorithm, and that the data obtained by a multigap read head inherently is such digital data. As such, the amendment to the specification does not introduce any new matter, and only clarifies the existing feature.

Applicants submit that in asserting that a MICR read head only obtains electronic signals/waveforms, the Office unfoundedly ignores the whole context of the disclosure and picks an arbitrary interpretation that is inconsistent to the original disclosure. In the Advisory Action, the Office asserts that Kruppa (FIG. 5) shows an A/D converter to convert the image obtained by magnetic read head. Applicants submit that just because Kruppa shows the details of the magnetic read head system, the current invention does not need to. As used in the current invention, a multigap MICR read head inherently include a conversion system, e.g., A/D converter. The current invention simplifies the disclosure because the A/D conversion features are well known in the art, e.g., Kruppa.

Regarding the written description requirement, as the amendment to the specification does not introduce new matter to the disclosure, the rejection of claims 1-3, 5-10, 12-16 and 18-22 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement is defective. In addition, even if the amendment to the specification were cancelled for sake of argumentation, claims 1-3, 5-10, 12-16 and 18-22 still would meet the written description requirement as "a character recognition device using a multigap MICR read head" (claim 1) just recites the inherent meaning of "a multigap MICR read head" as used in the invention, as discussed above. That is, a character recognition device using a multigap MICR read head could be the multigap MICR read head itself, as used in the current invention. In view of the foregoing, Applicants submit that the rejection of claims 1-3, 5-10, 12-16 and 18-22 for failing to comply with the written description requirement is defective.

Regarding the enablement requirement, the Office basically argues that "[c]ven if the data obtained by the magnetic read head and the OCR scanner were digitalized ... the digital data would not be equivalent because the real world characteristics they represent are not the same."

(OA at 5). Applicants respectfully disagree. The data obtained by a character recognition device using a multigap MICR read head and the OCR scanner both represent the E13B character data. The differences are that the OCR data originally is in grey scale and is with a different resolution than the data obtained by a character recognition device using a multigap MICR read head. Note that the MICR format data is in black and white format with a higher pel density. (See the current specification at page 5, line 8 to page 6, line 10.) Conversion system 18 of the current invention converts the OCR format data to black and white format, and then scales the data to a resolution equivalent to the data obtained by a character recognition device using a multigap MICR read head. As disclosed in the specification, methods of scaling are well known in the art. In addition, the current specification discloses examples of OCR data resolution (e.g., 200-600 dpi) and the resolution of the data obtained by a multigap MICR read head (e.g., 0.33 millimeters/pixel in the horizontal dimension and 0.43 millimeters/pixel in the vertical dimension). (See the current specification at page 5, line 20 to page 6, line 1.) As such, the disclosure of the current application is enough to enable a person of ordinary skill in the art to implement the invention without undue experiments. In view of the foregoing, Applicants submit that the rejection under 35 U.S.C. 102, first paragraph, as failing to comply with the enablement requirement is defective, and should be withdrawn.

In the Advisory Action, the Office asserts that the signal obtained by a multigap MICR read head are pulses that correspond to edge information of E13B character, and that the OCR format data cannot be converted to the data recognized by a conventional MICR recognition engine. (See Advisory Action at page 2, last paragraph). Applicants respectfully disagree. As discussed above, the multigap MICR read head used in the disclosure inherently includes a system to convert electrical signals to digital data to be recognized by a MICR-based algorithm,

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and that the data obtained by a multigap read head inherently is such digital data to be recognized by a MICR-based algorithm. In addition, as is well known in the art, the data recognized by a conventional MICR recognition engine with a MICR-based algorithm is in black and white format and is with a resolution approximately 0.33 millimeters/pixel in the horizontal dimension and 0.43 millimeters/pixel in the vertical dimension. The current specification discloses how to convert OCR format data to such MICR format data, as discussed above. Applicants submit that the electronic pulse/edge information assertion made by the Office is inconsistent with the well known meaning of MICR format data.

The dependent claims are believed allowable for the same reason as stated above.

In view of the foregoing, Applicants submit that the rejection is obviously defective, and this application is not in condition for appeal and should either be allowed as is, or re-opened for further prosecution. Should the examining panel believe that anything further is necessary to place the application in better condition for allowance or for appeal, they are requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



Dated: 10/31/06

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